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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/593,937	09/22/2006	Eberhard Witschas	HM-743PCT	5419
40570	7590	06/27/2008		
FRIEDRICH KUEFFNER			EXAMINER	
317 MADISON AVENUE, SUITE 910			TOLAN, EDWARD THOMAS	
NEW YORK, NY 10017				
ART UNIT		PAPER NUMBER		
3725				
MAIL DATE		DELIVERY MODE		
06/27/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/593,937

**Applicant(s)**

WITSCHAS, EBERHARD

**Examiner**

EDWARD TOLAN

**Art Unit**

3725

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 and 14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Minnerop et al. (5,941,115). Minnerop discloses a machine for installing machine unit foundations (2a,3a,4a) having roll sets (12) wherein the foundations are prefabricated and preassembled on site next to the production line (column 3, lines 32-45). The roll sets and foundations are inserted into a production line (1) as a complete modular unit along displacement tracks (16). In column 2, lines 1-5 Minnerop discloses that the preassembled installation is completely examined (tested) with the fittings mounted on during preassembly.

Claims 1-3,12 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by "SMS Demag Newsletter", 9, No. 2, Sept. 2002. SMS discloses in figures 1-4 a method of installing concrete foundations into a machine line by displacing them from an area to the side of the machine line into a position within the machine line.

Claims 1-6 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Wilson (4,471,642). Wilson discloses a machine for installing machine unit foundations (13) having roll stands (12) wherein the foundations are prefabricated and preassembled on site next to the production line (column 2, lines 49-63 and column 4,

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lines 8-11). The roll sets and foundations are inserted into a mill line as a complete modular unit along displacement tracks (33). Wilson discloses slideways (58) and pairs of double presses (50) carrying elevating members (53) for lifting and inserting vertical stands.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson (4,471,642) in view of Aratani et al. (6,425,278). Wilson does not disclose that the presses are supported on lifting points embedded in displacement tracks. Aratani teaches (column 6, lines 12-27) that it is known to use shift rails (34) attached to beams (36) which are lifting points for lifting and lowering rolling stands (27) into position. The lifting beams are driven by presses (37) from beneath the rails (34). It would have been obvious to one skilled in the art at the time of invention to provide Wilson with lifting beams driven by presses underneath the rails as taught by Aratani in order to raise and lower the machine units for placement in the mill line from below the rails.

Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson (4,471,642) in view of Uppaluri (4,423,612). Wilson does not disclose roll markings. Uppaluri teaches markings (38) for reference position on a roll housing. It would have been obvious to one skilled in the art at the time of invention to provide the

stand of Wilson with reference position markings as taught by Uppaluri in order to lock the stand into position.

***Response to Arguments***

Applicant's arguments filed 3-14-2008 have been fully considered but they are not persuasive. Applicant has set forth "machine foundations and/or rolling stands" and has amended the claims to include "all" associated elements. The Examiner contends that the cited references used to reject the claims are intended to include all necessary components to be processed offline and then the associated equipment or foundation is moved online to speed production. It is not possible to determine the scope of "all" when Applicant is trying to cover "foundation and/or rolling stand". It is not possible to determine from the claim language if a "machine foundation" is a working machine installation that has a rolling stand on it or if it just the base. A foundation does not necessarily have any rolling stand components on it and it could be moved into the line as a dummy.

Applicant sets forth lifting points/surfaces and displacement tracks and on page 15 of the specification states "the foundation block 1 with the stands mounted on it is aligned horizontally by means of presses. The foundation block is then raised, the slide bearings are removed, and the whole unit is dropped/lowered and vertically aligned". The cited references include tracks on which roll stands and their bases are moved in and out of the line. The Examiner does not agree that the claims overcome the roll set (12) and guide fittings (20) disclosed by Minnerop or the stand (12) and bed plate (13) disclosed by Wilson.

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Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication should be directed to Ed Tolan whose telephone number is 571-272-4525. FAX communications should be sent to 571-272-4525.

/Edward Tolan/

Primary Examiner, Art Unit 3725